

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. GERALD FINKEL, as Chairman of the Joint
Industry Board of the Electrical Industry,

Plaintiff,

- against -

MILLENNIUM FIRE SERVICES, LLC,

Defendant.
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MAUSKOPF, United States District Judge:

By motion filed March 30, 2011, Plaintiff moved for default judgment against Defendant. [Doc. No. 19.] By Order entered April 1, 2010 this Court referred that motion to the assigned Magistrate Judge, the Honorable Cheryl L. Pollak, for a Report and Recommendation. On February 15, 2011, Judge Pollak issued a Report and Recommendation (the "R&R") [Doc. No. 33.] recommending that Plaintiff's motion be granted, and awarding Plaintiff: 1) \$10,384.77 in unpaid contributions to the ERISA Funds and the 401(k) Fund; 2) \$271.50 in underpaid contributions owed; 3) 1,062.06 in interest on the unpaid, underpaid, and late-paid contributions; 4) \$25,125.86 in liquidated damages; and 5) \$11,138.40 in attorney's fees and \$682.18 in costs, for a total award of \$48,664, plus any additional interest that accrued from the issuance of the R&R until entry of judgment as detailed in the R&R, together with post-judgment interest pursuant to 28 U.S.C. § 1961. Judge Pollak reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due March 7, 2011. No party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

ORDER
09-CV-0540(RRM) (CLP)

Accordingly, this Court hereby ORDERS that default judgment shall enter in favor of the Plaintiff and as against Defendant as follows: 1) \$10,384.77 in unpaid contributions to ERISA Funds and the 401(k) Fund; 2) \$271.50 in underpaid contributions owed; 3) 1,062.06 in interest on the unpaid, underpaid, and late-paid contributions; 4) \$25,125.86 in liquidated damages; and 5) \$11,138.40 in attorney's fees and \$682.18 in costs, for a total award of \$48,664, plus any additional interest that accrued from the issuance of the R&R until entry of judgment as detailed in the R&R, together with post-judgment interest pursuant to 28 U.S.C. § 1961. This matter is hereby closed.

SO ORDERED.

Dated: Brooklyn, New York
March 9, 2011

/S/

ROSLYNN R. MAUSKOPF
United States District Judge